

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO
VILLATORO, MISAEL ALEXANDER MARTINEZ
CASTRO, ANGEL MARTINEZ, EDWIN ULLOA
MOREIRA and MATEO UMANA individually and on
behalf of all others similarly situated,

Plaintiffs,

-against-

KELCO CONSTRUCTION, INC., KELCO
LANDSCAPING, INC., E.L.M. GENERAL
CONSTRUCTION CORP. D/B/A KELLY'S CREW,
JOHN KELLY and JOSEPH PROVENZANO,

Defendants.

Case No. 1:21-CV-09014
(PAE)(SDA)

**DECLARATION OF NARCISO ALVARENGA RAMIREZ IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR
CONDITIONAL CERTIFICATION PURSUANT TO 29 U.S.C. § 216(b)**

I, Narciso Alvarenga Ramirez, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Certification pursuant to 29 U.S.C. § 216(b). I am personally familiar with the facts set forth below and submit this declaration based on my personal knowledge.

2. I am a resident of Inwood, New York, in Long Island.

3. I am a union member of Local 1010.

4. I currently work for Kelco Construction and ELM as a laborer. I have been working for Kelco Construction and ELM since approximately May 16, 2016.

5. As a laborer, I do landscaping and construction.

6. I am not required to report to 25 Newton Place, Hauppauge, New York ("Hauppauge facility") on any workday.

7. I only frequent the Hauppauge facility approximately four (4) times per year. This is to attend meetings or to do work for ELM at the Hauppauge facility on Saturdays, which happens less than four (4) times per year.

8. I drive into New York City jobsites alone in my personal vehicle. I do not pick up other employees.

9. I leave my home in the morning at approximately 4:30 a.m. and arrive at the jobsite by approximately 5:30 a.m. I start work at 6:00 a.m. in the summer and at 7:00 a.m. in the winter.

10. It takes me approximately two (2) hours to drive back home after the end of the workday, depending on the traffic and the location of the jobsite.

11. I am not paid for drive time since I drive my personal vehicle to work.

12. I do not perform work on my vehicle or any company vehicle at the end of the workday, nor am I required to do so.

13. I work for Kelco Construction approximately eight (8) hours per day, five (5) times per week.

14. I also work for Kelco Construction and ELM on some Saturdays. Work I perform for ELM occurs at the Hauppauge facility. If there is additional work to be done for Kelco Construction at a jobsite, I work more hours. This happens occasionally and does not occur on a regular basis. I estimate that I work on the weekends approximately four (4) Saturdays per year.

15. Kelco Construction pays me at a union rate of \$43.00 per hour.

16. ELM pays me \$20.00 per hour.

17. I am paid for overtime hours from Kelco Construction and ELM.

18. My primary language is Spanish. On January 25, 2023, Luis Lopez, CCI verbally translated this declaration to me in Spanish. I fully understand the contents of this declaration in

my primary language.

19. This declaration was prepared by counsel for Defendants in the action based on an interview in which I voluntarily participated. I was advised that I could end the interview at any time. I have also been told by counsel for the Defendants that I should sign this declaration if I want to and if everything within it is true and correct to the best of my knowledge, information, and belief. I have been given a full opportunity to review this declaration carefully and freely and make any corrections and additions of any kind.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: January 25, 2023



Narciso Alvarenga Ramirez